

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIAS ILYIA,

Plaintiff,

v.

MAROUN N. EL KHOURY, *et al.*,

Defendants.

No. C11-1593RSL

ORDER COMPELLING DEPOSITION

On December 17, 2012, Raymond Dent, a witness in the above-captioned matter, walked out of a deposition at the advice of counsel. No meaningful explanation was provided. During the deposition, Dr. Dent suggested that he was contractually barred from discussing the terms of a contract between two companies and sought an opportunity to consult with counsel. His purported counsel (who did not accompany Dr. Dent during the deposition but subsequently appeared to announce that he had left and would not be returning), provided no factual basis in support of any of the privileges she identified. Rather than provide additional information, counsel simply stated that “absent an order of the Court, we’re not going to be interviewed further. That’s all I’ve got to say.” Dkt. # 116-1 at 23.

Dr. Dent has not sought to quash or modify the subpoena or otherwise explained his refusal to comply. The parties have filed an agreed motion to compel his testimony. Although there is no indication that Dr. Dent or his purported counsel is aware of the motion to compel, the burden was on him to timely seek protection under Fed. R. Civ. P. 45(c)(3) and/or

ORDER COMPELLING DEPOSITION

1 Fed. R. Civ. P. 26(c). Having failed to do so, the agreed motion to compel is GRANTED.

2 The Clerk of Court is directed to send a copy of this order to
3 fern@herbertlawoffices.com and:

4 Fern Herbert
5 Herbert Law Offices
6 4320 196th Street SW, Suite B-712
7 Lynnwood, WA 98036

8 Counsel for the parties shall immediately attempt to serve a copy of this order on Dr. Dent by
9 email and US Postal Service. Dr. Dent is hereby compelled to appear at deposition at a mutually
10 agreeable time on or before January 11, 2013. Pursuant to the Court's prior order (Dkt. # 92), all
11 objections to relevance, lack of foundation, non-responsiveness, speculation, or to the form of
12 the question are reserved until trial. Ms. Herbert (or Dr. Dent if proceeding *pro se*) shall have no
13 reason to object to any questions unless it is to assert a cognizable privilege. The parties are
14 advised that a private confidentiality agreement does not give rise to a cognizable privilege
15 against testifying.

16 Dated this 3rd day of January, 2013.

17 

18 Robert S. Lasnik
19 United States District Judge
20
21
22
23
24
25
26